

GARY R. FARRAR TRUSTEE
Trustee in Bankruptcy
P.O. BOX 576097
MODESTO, CA 95357
(209) 551-1962

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re:) Case No. 09-28900-C
JESTINA L. PICKETT)
) NARRATIVE SUPPLEMENT
) TO TRUSTEE'S FINAL
Debtor(s).) ACCOUNT
)

This case was filed as a chapter 7 on May 5, 2009. The scheduled 341 was completed on June 2, 2009. A no-asset report was filed by the Trustee with the Court.

March 10, 2011, debtor's counsel, David Van Dyke, advised trustee that his client had been served with litigation documentation regarding an unperfected lien issue.

J.P. Morgan Chase-EMC claimed to have acquired the origination loan from Greenpoint Mortgage Funding Inc. Their disclosure states that in 2005 Green Point closed a new loan in the amount of \$536,000. Green Point paid itself \$467,000 releasing its deed of trust. The in house escrow company failed to record any new deed of trust.

The Bank-lender was in fact an unsecured creditor at the time of the chapter 7 case filing.

The trustee contacted the OUST requesting that the case be re-opened. Trustee engaged legal counsel and the services of a licensed real estate broker.



2009-28900



P3

Page 2 of 3

1 The broker provided a drive by valuation and a prelim title
2 that confirmed that no lien was recorded. Attempting to gain
3 possession, calls were made to debtor's counsel and to debtor
4 for turnover of the Mountain House residence. Debtor had no
5 objection to surrendering property but former boyfriend -
6 father of her child, occupied the property and was only there
7 during the weekends. Trustee and broker spoke with tenant who
8 promised to move out soon. Tenant turned out to be minimally
9 cooperative. After agreeing to allow the broker to walk thru on
10 a Saturday appointment but failing to show up he agreed to
11 second meeting a week later. When they arrived for the walk
12 thru tenant could not gain access because all power was shut
13 off. On July 12, trustee changed the locks, accommodated move
14 out, changed utilities to his control etc. July 15 broker
15 called trying to stop bank's repo service team from changing
16 locks, utilities were turned off again. Trustee reinstated
17 services.

18 The bank filed a state court relief of stay action on May 19,
19 2011 after case was re-opened and after notice given. A lis
20 pendis still exists on record today. I have a confirmation as
21 of 2/2/12 from Chicago Title that the lender has not removed
22 its filing. Despite litigation counsel's statements of his
23 recommendations to support the proposed liquidation by the
24 Trustee, no filing of non opposition or litigation withdrawal
25 was ever completed.

26 July 19, 2011 Trustee received first of three proposed sales
offers. On July 22, 2011 after various counters to all, the
trustee accepted a sales agreement subject to Court approval
and overbidding. Trustee's counsel wanted a support statement
from the creditor to file the sales motion.

Page 3 of 3

1 I instructed counsel to go forward without the statement or we
2 would lose the sale.

3 Motion for sale was filed 8/16/11 and the Court approved the
4 sale on 9/13/11. A party did indicate they were intending on an
5 overbid. Buyer and I attended the hearing but no over bidder
6 came forward. After about 10 days, buyer was most anxious to
7 have a residence for school children and wanted to cancel
8 purchase if order was not forth coming. Title company wanted
9 more than a minute order. Broker held everything together. The
escrow closed on October 12, 2011.

10 No tax return is required for this case as no capital gain is
realized.

11 Trustee has spent a good deal of time working with the utility
12 and service companies. This has been most frustrating for
13 example 2/2/12, I received a water company bill showing a
14 credit for \$136.03. Trustee has requested formal refund twice
since escrow closed.

15 My understanding of the "creditor collector servicer" is:

16 Bank retained a service firm based in Southern California.

17 The So Cal firm retained a legal firm in Walnut Creek.

18 The attorney in Walnut Creek had no direct contact with the
19 lender. While he recommended support of the trustee liquidation
20 and removal of the lis pendis he could not obtain direct
21 support. Lender was concerned that removal of the lien of
22 record would jeopardize insurance claim recovery. Trustee
23 requests full commission for this matter. Trustee believes
lender will receive at least as much in this distribution as if
they had completed a foreclosure.

24 Trustee projects his time in this matter will exceed 40 hours.

25 DATED: February 2, 2012

Respectfully Submitted,

26 
GARY R. FARRAR TRUSTEE

Time Sheet Report

Entries Through 02/03/12

Case Number: 09-28900

Case Name: PICKETT, JESTINA L.

Petition Date: 05/05/09

Case Status: Asset

Judge: (C) HONORABLE CHRISTOPHER KLEIN

Original 341a Meeting: 06/02/09

Matter/User	Date	Description	Hours	Rate	Total
Staff Name: GARY FARRAR					
CASE ADMINISTRATION	05/06/09	case spread sheet	0.20	300.0000	60.00
CASE ADMINISTRATION	05/28/09	review spread-521 doc's	0.20	300.0000	60.00
CASE ADMINISTRATION	06/02/09	conducted f341-filed no asset report-scan questionnaire	0.40	300.0000	120.00
CASE ADMINISTRATION	03/10/11	contact from David Van Dyke-litigation claim by bank lender	0.20	300.0000	60.00
CASE ADMINISTRATION	03/11/11	contact with Broker for value and title info	0.20	300.0000	60.00
CASE ADMINISTRATION	03/12/11	review report on value and title with broker	1.00	300.0000	300.00
CASE ADMINISTRATION	03/12/11	request for representation-forwarded info on property	0.40	300.0000	120.00
CASE ADMINISTRATION	03/14/11	contact OUST regarding re opening case	0.20	300.0000	60.00
CASE ADMINISTRATION	03/21/11	declaration regarding reopening case.	0.20	300.0000	60.00
CASE ADMINISTRATION	03/25/11	case re-opened per order-estabish file	0.50	300.0000	150.00
CASE ADMINISTRATION	04/05/11	asset report filed	0.20	300.0000	60.00
CASE ADMINISTRATION	04/12/11	declaration on broker services.	0.20	300.0000	60.00
CASE ADMINISTRATION	05/16/11	listing agreement signed	0.50	300.0000	150.00
CASE ADMINISTRATION	05/16/11	contacted debtor counsel for property access	0.20	300.0000	60.00
CASE ADMINISTRATION	05/18/11	debtor grants access but boyfriend occupies house not her.. Picket supplies number to call.	0.20	300.0000	60.00
CASE ADMINISTRATION	05/25/11	call from tenant-says he will be out soon. Asked him to meet broker. he agrees	0.20	300.0000	60.00
CASE ADMINISTRATION	06/09/11	call with counsel regarding property possession and liquidation	0.50	300.0000	150.00
CASE ADMINISTRATION	06/16/11	compilation of calls with broker-debtors attorney attempting to get tenant cooperation for walk thru	3.00	300.0000	900.00
CASE ADMINISTRATION	06/17/11	compilation of discussion time with Suntag firm on bank's cooperation or obstruction.	1.00	300.0000	300.00
CASE ADMINISTRATION	07/12/11	arranged for locksmith-paid for services-t; turn water on-pge gas & electric; City of Mountain House services-sewer,water & wast	3.00	300.0000	900.00

Time Sheet Report

Entries Through 02/03/12

Case Number: 09-28900
Case Status: Asset

Case Name: PICKETT, JESTINA L.
Judge: (C) HONORABLE CHRISTOPHER KLEIN

Petition Date: 05/05/09
Original 341a Meeting: 06/02/09

Matter/User	Date	Description	Hours	Rate	Total
CASE ADMINISTRATION	07/15/11	call from broker -services back of-banks repo property service agency from Bay area taking over.	0.20	300.0000	60.00
CASE ADMINISTRATION	07/15/11	call to Suntag form; call to utilities to resore service-save irrigated lawn and shrubs.	1.00	300.0000	300.00
CASE ADMINISTRATION	07/22/11	reviewed three different buyer contract purposals countering	3.00	300.0000	900.00
CASE ADMINISTRATION	07/22/11	recommending sale agreement-forwarded deal to counsel.	1.00	300.0000	300.00
CASE ADMINISTRATION	07/27/11	call with attorney regarding sale	0.10	300.0000	30.00
CASE ADMINISTRATION	08/01/11	advanced utilities billings	0.50	300.0000	150.00
CASE ADMINISTRATION	08/01/11	reviewed motion to sell-declarations etc.	0.40	300.0000	120.00
CASE ADMINISTRATION	08/09/11	submitted bills for reimbursement in motion. to sell	0.40	300.0000	120.00
CASE ADMINISTRATION	08/12/11	urged counsel to file the sales motion-ignor banks statement of support pending buyer anxious	1.00	300.0000	300.00
o CASE ADMINISTRATION	09/01/11	paid utilities	0.50	300.0000	150.00
CASE ADMINISTRATION	09/02/11	discussed whether opposition had been filed regarding sale with counsel	0.20	300.0000	60.00
CASE ADMINISTRATION	09/13/11	attended heraing for possible overbidder-only buyer came to hearing; spoke with buyer about colosing ASAP	3.00	300.0000	900.00
CASE ADMINISTRATION	09/16/11	went over detailed order to sell for court consideration per title company-Suntag Firm	0.50	300.0000	150.00
CASE ADMINISTRATION	10/12/11	signed papers in escrow-supplied tax id-supplied utility payments to cancel services	2.00	300.0000	600.00
CASE ADMINISTRATION	10/12/11	discussion with counsel on Bank's claim	0.20	300.0000	60.00
CASE ADMINISTRATION	10/25/11	requested fee application from counsel	0.30	300.0000	90.00
CASE ADMINISTRATION	11/01/11	compilation of PG&E re billing for debtors apt bill; Mountain House Water will not do anything until next billing cycle.	1.00	300.0000	300.00
CASE ADMINISTRATION	11/15/11	paid MID bill	0.40	300.0000	120.00
CASE ADMINISTRATION	11/29/11	PG&E billed for apt of debtor; sent bill back-settled on close out	0.50	300.0000	150.00

Time Sheet Report
Entries Through 02/03/12

Case Number: 09-28900	Case Name: PICKETT, JESTINA L.	Petition Date: 05/05/09
Case Status: Asset	Judge: (C) HONORABLE CHRISTOPHER KLEIN	Original 341a Meeting: 06/02/09

Matter/User	Date	Description	Hours	Rate	Total
CASE ADMINISTRATION	11/30/11	final report-claims-distribution-zero bal	8.00	300.0000	2,400.00
CASE ADMINISTRATION	12/13/11	issued legal fees to Suntag	0.20	300.0000	60.00
CASE ADMINISTRATION	02/03/12	Lender's lis pendis not removed-utilities refund not received. attempting to resolve all befor distribution.	4.00	300.0000	1,200.00
Totals for GARY FARRAR			40.90		12,270.00
Total for Case Number: 09-28900			40.90		12,270.00

6